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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,705	10/18/2001	Mark Joseph Cleaver	0232W/00008-U	8740

24350            7590            03/17/2003

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2875

DATE MAILED: 03/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/982,705	Applicant(s) Cleaver et al
Examiner Thomas Sember	Art Unit 2875



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on Dec 30, 2002
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 2-4, 6-18, and 24-51 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) 2-4, 6-18, and 24-42 is/are allowed.
- 6)  Claim(s) 43-50 is/are rejected.
- 7)  Claim(s) 51 is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5      6)  Other: \_\_\_\_\_

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***Response to Amendment***

***Claim Rejections - 35 U.S.C. § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

- (e) the invention was described in-
- (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
  - (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 43-45 and 49- 51 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsui. Tsui discloses an essentially solid, leaky waveguide R' having a predetermined length with a lateral light receiving surface and a lateral curved light emitting surface having a predetermined circumferential width, said waveguide being comprised of a material that preferentially scatters light entering said light receiving surface into an elongated light intensity pattern on said light emitting surface with a major axis extending along the predetermined length. An elongated light source 30 extends substantially the predetermined length of and positioned adjacent said light receiving surface for emitting a portion of light emitted by the light source directly into the light receiving surface. A housing defines a volume that encompasses the elongated light source. Whereby the light entering the lateral light receiving surface is preferentially directed along the

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predetermined length of the leaky waveguide rod, exiting the light emitting curved surface in an elongated light intensity pattern that has a major axis extending along the length of the waveguide rod.

***Claim Rejections - 35 U.S.C. § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 43-50 are rejected under 35 U.S.C. 102(b) as being anticipated by

Meggs et al. Meggs et al discloses an essentially solid, leaky waveguide 4 having a predetermined length with a lateral light receiving surface and a lateral curved light emitting surface having a predetermined circumferential width, said waveguide being comprised of a material that preferentially scatters light entering said light receiving surface into an elongated light intensity pattern on said light emitting surface with a major axis extending along the predetermined length. An elongated light source 18 extends substantially the predetermined length of and positioned adjacent said light receiving surface for emitting a portion of light emitted by the light source directly into the light receiving surface. A housing defines a volume that encompasses the

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elongated light source. Whereby the light entering the lateral light receiving surface is preferentially directed along the predetermined length of the leaky waveguide rod, exiting the light emitting curved surface in an elongated light intensity pattern that has a major axis extending along the length of the waveguide rod.

***Claim Rejections - 35 U.S.C. § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 43-50 are rejected under 35 U.S.C. 102(b) as being anticipated by Cross. Cross discloses an essentially solid, leaky waveguide 61 having a predetermined length with a lateral light receiving surface and a lateral curved light emitting surface having a predetermined circumferential width, said waveguide being comprised of a material that preferentially scatters light entering said light receiving surface into an elongated light intensity pattern on said light emitting surface with a major axis extending along the predetermined length. An elongated light source 64 extends substantially the predetermined length of and positioned adjacent said light

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receiving surface for emitting a portion of light emitted by the light source directly into the light receiving surface. A housing defines a volume that encompasses the elongated light source. Whereby the light entering the lateral light receiving surface is preferentially directed along the predetermined length of the leaky waveguide rod, exiting the light emitting curved surface in an elongated light intensity pattern that has a major axis extending along the length of the waveguide rod.

***Allowable Subject Matter***

Claims 2-4, 6-18 and 24-42 are allowable.

Claim 51 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Reasons for allowance of claim 51: None of the prior teaches the details of applicant's invention further including "side walls provided with a light reflecting interior surface and a light absorbing exterior surface."

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***Response to Arguments***

4. Applicant's arguments with respect to claims 43-50 have been considered but are moot in view of the new ground(s) of rejection.

***Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Camarota '792 and '645 disclose elongated light housing assemblies which are similar to applicant's invention.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and

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any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M. Sember whose telephone number is (703) 308-1938. The examiner can normally be reached on Monday - Thursday from 8:00 AM - 5:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached at (703)-305-4939. The fax phone number for this group are (703) 872-9318 for regular communications and (703)-872-9319 for after-final communications.

Any inquiries of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-0956.



Thomas M. Sember  
Primary Examiner  
March 7, 2003